unlimited power, but only a power of disposition, that is, a power of superintendence and of adjudication upon the interests of the whole Empire according to its unwritten constitution. This power is accompanied by the power to execute such adjudications by all needful rules and regulations. This principle of Federal Empire the author believes to have been adopted by that little understood article of the Constitution which gives Congress power "to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States."

The proof of this position requires, and receives at the hand of the author, a most thorough investigation of the origin and history of this clause and of the principle which it is said to establish. This in turn involves a careful inquiry into the theory and practice of the administration of the American Colonies by England from their inception, and leads to a thorough study of the issues of the American Revolution and of the underlying principles then at stake. In this study the gradual growth of the idea of Federal Empire is traced with much detail as it slowly takes form and finally culminates in the adoption of this clause of the constitution and its subsequent interpretation by the First Congress in its ordinance for the administration of the Northwest Territory as a dependency of a Federal Empire.

The development of the idea is then followed down to the present time in American, British, and Continental theory and practice. The history of the idea in this country is especially noteworthy as its growth is traced through the various expressions of legislative and judicial opinion to the final recognition, as the author believes, of the purposes of the framers of the constitution by the majority of the United States Supreme Court in the recent Insular Tariff Cases. Thus, aside from its main object of suggesting a solution of the colonial problem, this book becomes a most valuable study of the evolution of the Federal Empire as a predominating form of political organism.

As a work on theoretical government or constitutional law, this discussion can perhaps hardly be said to be a finality. It is rather a preliminary study which will perform a vital service in clarifying thought and indicating general principles. Many of its conclusions may be open to criticism, some perhaps are unsound; but from the earnest, practical lessons that are drawn for our guidance in colonial administration there can be no dissent. For the Federal principle, as here declared, is shown to give rise to a trust relation between the Imperial State and its dependencies, which imposes certain definite Imperial obligations upon the governing state, these being fully and forcibly set forth in the final chapter. The book surely points in the right direction and with its enthusiastic scholarship will inspire further effort in the development of what seems to be the true theory of our government. It can emphatically be said to deserve a prominent place among the thoughtful works of the year as one whose influence ought to prove permanent and especially stimulating.

W. H. H.

A Treatise on the Law of Intercorporate Relations. By Walter Chadwick Noyes. Judge of the Court of Common Pleas in Connecticut. Boston: Little, Brown, and Company. 1902. pp. xlviii, 703. 8vo.

Any good work on the subject of the great trade combinations of to-day will be welcomed at this time. For to a lack of sufficient knowledge on this subject may be attributed the hesitancy of some courts and legislatures and the precipitancy of others when questions involving such combinations have been presented to them. The recent work from the pen of Judge Noyes of Connecticut is a very excellent contribution to the legal learning on this important topic. It is doubly opportune, as it deals not only with trade combinations, but with their most controverted feature, namely, intercorporate relations. The actual trust, the earliest form of the modern trade combination, passed out of existence after the case of *People* v. *North Sugar Refining Co.*, 121 N. Y. 582 (1890). The pool or partnership of several corporations could not survive the case of *Addyston Pipe Co.* v. *United States*, 175 U. S. 211 (1899), in which it was

declared illegal. Since a corporation may legally be formed for the purpose of erecting and maintaining any number of different plants, there seems to be no serious question as to the legal right of an existing corporation to purchase outright the plants of others and thus effect an organization similar to that of the Standard Oil Company or the United States Steel Corporation. See *Trenton Potteries* v. *Oliphant*, 58 N. J. Eq. 507. The controversy as to the legality of trade combinations is, therefore, mainly reduced at the present time to a consideration of holding corporations and other corporate bodies in which the interests of separate corporations are united, the constituent bodies continuing to exist, — in other words, to a consideration of intercorporate relations; and to this topic the present work is chiefly addressed.

Judge Noyes divides his subject into five main heads as follows: I. Consolidation of Corporations; II. Corporate Sales; III. Corporate Leases; IV. Corporate Stockholding and Control; V. Combination of Corporations. The treatment of the first three topics is lucid and concise but is not marked by any great independence of discussion. The chief value of the work will be found in the able manner in which the fourth and fifth topics are handled. These are the divisions of the subject which are at present most troublesome and obscure, and these the author properly elaborates in greatest detail. Other writers on the subject have generally made conspiracy the test of the validity of all combinations. This test, however, generally proves confusing, and in the last analysis reduces itself to a question of public policy. In the present work the problem is greatly clarified by being stated in its lowest terms at the outset: "The theory of this treatise is that the validity of a combination depends upon considerations of public policy." Thus simplified, the subject is handled in a vigorous and scholarly manner. The argument is concise, yet sufficiently elaborate. The leading cases and the various anti-trust statutes, state and federal, are analyzed, and rules of public policy based on them are deduced. The principles involved receive a keen, judicial treatment, and the whole work can well be said to mark a distinct step in the progress of thought on the subject.

The indexing and the mechanical arrangement of the subject matter are excellent. The citation of cases is complete, and a full summary of all the anti-trust laws is printed in the foot-notes.

JURISPRUDENCE, or The Theory of the Law. By John W. Salmond. London: Stevens & Haynes. 1902. pp. xv, 673. 8vo.

The word "Jurisprudence" has such a tremendous significance that most writers upon the subject have failed through trying to include too much in their treatment of it. Mr. Salmond, after noting that the term may mean either the science of law in general, including civil, international, and natural law, the science of civil law, or the science of the first principles of civil law, confines himself to the last, and therein finds abundant material for analysis and discussion. He has attempted a great work and has achieved a great success. Though the reader may not always agree with the text, he must acknowledge that it is the work of a bold and original thinker and forceful writer.

The book has so many excellences that it is difficult for one to choose any for particular praise. Perhaps the most conspicuous qualities are completeness, balance, and compactness. Nothing is omitted, nothing slighted, and nothing unduly extenuated. The defects of the work — for of course it is not wholly perfect — are rather the results of hasty judgments than of errors in construction or style. The most noticeable are a curious confusion of prescription with statutes of limitation; an abortive chapter on the divisions of the law (perhaps a hopeless subject); and a sustained use of the term "conclusive presumption." It is astonishing to find a modern writer using the term as though it meant something. When A is conclusively presumed from B, then it is the latter that is important as an ultimate fact, and the former is in reality surplusage.